
SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII PAROLING AUTHORITY TO FORM A WORKING GROUP
TO EXAMINE SMARTER SENTENCING TO IMPROVE THE QUALITY AND
RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES.

1 WHEREAS, the prison population in the United States has
2 grown tremendously over the past four decades despite the
3 tapering off of crime over the past twenty years, partly due to
4 the imposition of lengthy sentences; and
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6 WHEREAS, the increasing number of individuals imprisoned
7 has led to rising operating costs, community reliance on
8 incarceration, and growing numbers of inmates prematurely
9 released from prison each year; and
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11 WHEREAS, offender recidivism rates continue to be an issue
12 because many inmates who are released from incarceration are not
13 prepared to lead law-abiding lives and reintegrate into society;
14 and
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16 WHEREAS, the number of inmates prematurely released has led
17 to a growing sentiment that there is interdependency among
18 participants in the judicial process that needs to be recognized
19 in working with each other and in the decision-making processes
20 regarding offenders; and
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22 WHEREAS, smarter sentencing uses research and science to
23 enhance the decision making ability of criminal justice
24 stakeholders in the selection and application of fair, just,
25 proportionate, and efficient sanctioning goals; and
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27 WHEREAS, at each decision point during the process of
28 charging an individual with an offense, negotiating and
29 recommending a plea deal, and determining the ultimate sentence,
30 there is an opportunity to use research-based smarter
31 sentencing; and



1 WHEREAS, Hawaii utilizes mandatory indeterminate sentencing
2 by which the is authorized, without the benefit of court
3 supervision, to determine the minimum term of imprisonment; and
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5 WHEREAS, it is appropriate for the Judiciary to retain
6 statutory authority for minimum sentencing because it is better
7 situated to make case-by-case determinations with its knowledge
8 of the facts and law of each case such as whether a crime is
9 especially heinous, atrocious or cruel; now therefore,
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11 BE IT RESOLVED by the Senate of the Twenty-eighth
12 Legislature of the State of Hawaii, Regular Session of 2015, the
13 House of Representatives concurring, that the Hawaii Paroling
14 Authority is requested to convene a working group to examine the
15 concept of smarter sentencing to improve the quality and
16 reliability of the State's criminal justice sentencing policies
17 and practices; and
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19 BE IT FURTHER RESOLVED that the purpose of the working
20 group is to research:
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- 22 (1) The number of cases over the last ten years in which
23 smarter sentencing principles were applied to the
24 negotiation and recommendation of a sentence;
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26 (2) The number of cases over the past ten years in which
27 principles of smarter sentencing were applicable; and
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29 (3) Possibilities of designing, implementing, and
30 streamlining a process involving smarter sentencing;
31 and
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33 BE IT FURTHER RESOLVED that the Hawaii Paroling Authority
34 is requested to include in the working group:
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- 36 (1) The Chairperson of the Senate and House of
37 Representatives committees with primary jurisdiction
38 over the Judiciary;
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40 (2) The Chairperson of the Senate and House of
41 Representatives committees with primary jurisdiction
42 over public safety;



- (3) The county prosecutor of each of the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu;
- (4) One public defender to represent the Office of the Public Defender located in each of the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu;
- (5) The Attorney General, or the Attorney General's designee;
- (6) The Director of Public Safety, or the Director's designee;
- (7) Two members appointed by the Chief Justice of the Hawaii Supreme Court;
- (8) One representative of the American Civil Liberties Union of Hawaii;
- (9) One representative of the Hawaii Civil Rights Commission;
- (10) Four members from the community, to be appointed by the Governor;
- (11) One representative of the Sex Abuse Treatment Center;
- (12) One representative of the Hawaii State Coalition Against Domestic Violence; and
- (13) One representative of Mothers Against Drunk Driving Hawaii; and

BE IT FURTHER RESOLVED that the working group is requested to select a chairperson from among its members and meet at least five times prior to December 31, 2015; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations,



1 including any proposed legislation, to the Legislature no later
2 than twenty days prior to the convening of the Regular Session
3 of 2016; and
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5 BE IT FURTHER RESOLVED that no member of the working group
6 shall be made subject to Chapter 84, Hawaii Revised Statutes,
7 solely because of that member's participation as a member of the
8 working group; and
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10 BE IT FURTHER RESOLVED that the working group be dissolved
11 on June 30, 2016; and
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13 BE IT FURTHER RESOLVED that certified copies of this
14 Concurrent Resolution be transmitted to the Governor, President
15 of the Senate, Speaker of the House of Representatives, Director
16 of Public Safety, Director of the Hawaii Paroling Authority,
17 Prosecuting Attorney of the County of Hawaii, Prosecuting
18 Attorney of the County of Kauai, Prosecuting Attorney of the
19 County of Maui, Prosecuting Attorney of the City and County of
20 Honolulu, Office of the Public Defender, Attorney General,
21 Administrator of the Courts, Executive Director of the American
22 Civil Liberties Union of Hawaii, Executive Director of the
23 Hawaii Civil Rights Commission, Executive Director of the Sex
24 Abuse Treatment Center, Executive Director of the Hawaii State
25 Coalition Against Domestic Violence, and Executive Director of
26 Mothers Against Drunk Driving Hawaii.
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